

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
GAINSVILLE DIVISION**

THOMAS CHASTAIN,)	
and JONATHAN V. DUNN, Individually)	
And on Behalf of All Others Similarly)	
Situated,)	CLASS ACTION
)	CIVIL ACTION FILE
Plaintiffs,)	NO. 2:23-CV-160-RWS
)	
v.)	
)	
BLUE LINE SOLUTIONS, LLC)	
)	
Defendant.)	

**PLAINTIFFS’ MOTION FOR RECONSIDERATION TO VACATE ORDER
OF DISMISSAL UNDER FED. R. CIV. P. 59(e) AND GRANT LEAVE TO
FILE SECOND AMENDED CLASS ACTION COMPLAINT**

This case involves O.C.G.A. § 40-14-18 which is known as the School Zone Electronic Enforcement Statute. This Court granted Defendant’s 12(b)(6) Motion to Dismiss Plaintiffs’ Amended Class Action Complaint on April 16, 2024. Dkt. 17. The Amended Class Action Complaint included claims for money had and received, Georgia RICO, fraud and deceit, and declaratory and injunctive relief. Dkt. 7. Plaintiffs respectfully move the Court to vacate the Order of Dismissal and allow Plaintiffs to file the attached Second Amended Class Action Complaint which is

based on new information not previously available to the Plaintiffs, includes significant additional facts to support all claims, and includes a constitutional challenge to the statute. A review of the Second Amended Class Action Complaint confirms that the pleading meets the Rule 59(e) standard for amendment after dismissal.

The Memorandum of Law, filed contemporaneously, provides the authority to support vacating the Order of Dismissal and Plaintiffs' proposed Second Amended Class Action Complaint.

Accordingly, Plaintiffs move the Court to vacate the Order of Dismissal and reopen the case to grant leave for Plaintiffs to file the Second Amended Class Action Complaint.

Respectfully submitted, this 14th day of May, 2024.

s/ John C. Bell, Jr.

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CERTIFICATE OF COMPLIANCE

I hereby certify that this document complies with Local Rule 7.1(D) as it has been prepared using Times New Roman 14-point font.

s/ John C. Bell, Jr

John C. Bell, Jr.

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the forgoing **PLAINTIFFS' MOTION FOR RECONSIDERATION TO VACATE ORDER OF DISMISSAL UNDER FED. R. CIV. P. 59(e) AND GRANT LEAVE TO FILE SECOND AMENDED CLASS ACTION COMPLAINT**, upon opposing counsel by with the Clerk of Court using the CM/ECF system, which will automatically send electronic mail notification of such filing to the following counsel of record:

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This 14th day of May, 2024.

s/ John C. Bell, Jr

John C. Bell, Jr.

Counsel for Plaintiffs